

# THE JACOBS REPORT

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## 2006 BALLOT PROPOSALS

### Petition Deadline is Monday

July 10<sup>th</sup> is the deadline day for turning in petitions proposal placement on the November statewide ballot. Unless pre-empted by an unexpected court action, four proposals have already made it to the ballot:

- The Natural Resources Fund Protection proposal
- The Anti-Eminent Domain proposal
- The Michigan Civil Rights Initiative (MCRI)
- The referendum on mourning dove hunting

**The Natural Resources Fund Protection proposal** was placed on the ballot by the Legislature back in December of 2004 (HJR Z).

The proposal would constitutionally prohibit raiding the state's new natural resources funds (the Conservation and Recreation Legacy Fund, Game and Fish Protection Trust Fund and Nongame Fish and Wildlife Trust Fund).

Under the proposal, the money going to the funds could not be used for purposes other than those for which the funds are earmarked.

**The Anti-eminent domain proposal** was also sent to the ballot by a 2/3 majority vote of each legislative chamber (SJR E).

This proposal would constitutionally prohibit governmental units from applying eminent domain to seize private property for private development.

A group calling themselves "Protect Our Property Rights" and the Michigan Realtors are backing the measure. So far there does not appear to be any organized opposition, but the Michigan Municipal League (MML) is opposed to the measure on the account that it would allow holdout property owners to block even popular redevelopment.

**The Michigan Civil Rights Initiative (MCRI)** had made it to the ballot with the required amount of citizen petition signatures. An opposition group called “By Any Means Necessary” has filed a lawsuit to stop the placement, but it’s expected that this anti-racial preference/anti-affirmative action ballot proposal will be on the November ballot. A similar California ballot proposal passed 54-46% in 1996.

The lawsuit, filed in federal court, argues that MCRI petition circulators violated the federal Voting Rights Act by allegedly misrepresenting the proposal. State courts have consistently ruled against this rationale for keeping MCRI off the ballot.

Although the suit is still pending, federal courts historically have been reluctant to interfere with such state election issues.

A group by the name of “One United Michigan” has formed to oppose the proposal. One United Michigan consists of organizations across the political spectrum and touts its mission as one “To defend affirmative action and outreach programs that provide opportunities for women and minorities for better jobs and education and reject all efforts that would adversely affect or reverse equal opportunity programs designed to overcome discrimination.”

**The referendum on mourning dove hunting:** A referendum to overturn a new law ending Michigan’s long-standing ban on hunting mourning doves has gone unchallenged and will also be on the November ballot.

## **TWO MORE THAT MIGHT MAKE IT**

### **Different Paths: SBT and K-16**

Two citizens’ initiatives not currently on the ballot could still land a spot: the so-called K-16 proposal and the initiative to eliminate the Single Business Tax (SBT).

The Legislature is likely to pass SBT legislation that would pre-empt ballot placement. The opposite fate is likely for the K-16 proposal.

Ballot language to eliminate the Single Business Tax would actually just speed the expiration timetable from 2009 to 2007. Republicans, business groups and some Democrats feel that the SBT is badly hurting the state’s ability to compete economically.

The petition drive mounted by Oakland County Executive L. Brooks Patterson is a citizens’ initiative. It would end up on the ballot only if the Legislature fails to act. Presuming the Legislature does approve it, the proposal would be veto-proof and become law.

The proposal will likely go before the Legislature by the end of this month.

The K-16 ballot proposal that would lock in annual funding increases for education is headed to the ballot, which is actually mixed-bag for supporters. The actual strategy behind the initiative was to pressure lawmakers into cutting a deal beneficial to education funding interests.

Early on, the education lobby had many lawmakers convinced that the proposal was a lock to win if it were voted on in November. However, skepticism grew in a four-year climate of necessary budget cuts and an election-year dominated by precarious economic news.

The deadline for the Legislature to act on this proposal is July 15 and neither chamber is expected to give it consideration. Convincing voters that it is in Michigan's best interests to pass it will be a challenging and expensive battle this fall.

## **THREE MORE TRYING TO SEAL THE DEAL**

### **SOS, Citizens for Life, Unicameral Legislature**

Finally, there are three proposals that might make Monday's ballot deadline:

- The Stop Over Spending (SOS) proposal, which seems likely to qualify, at least in terms of the number of valid signatures that are expected to be turned in;
- The Michigan Citizens for Life anti-Roe v Wade proposal, which seems to be struggling to collect enough signatures to qualify;
- The unicameral Legislature proposal, which likely won't have the 317,757 valid signatures needed to get on the ballot.

The group pushing the SOS proposal plans to file their signatures on Monday afternoon. They are expected to turn in well over the 317,757 signatures required to place the proposal on the ballot.

Presuming the proposal does qualify on the basis of valid signatures, it seems likely that the next step could be to the courthouse where the somewhat-complicated proposal could run into trouble — perhaps even enough trouble to knock off this year's ballot.

At the root of the SOS proposal is the Taxpayers Bill of Rights (TABOR) amendment, which would limit state spending to a formula based on population growth and inflation. However, the proposal's petition language leads off with wording that would eliminate lawmaker pensions.

If passed, the proposal would prohibit state lawmakers from earning state-funded pensions and state retirement program benefits and ban state spending from increase over the rate of inflation plus population growth. Half of any state budget surpluses would be refunded back to taxpayers. The other half would be put in the Budget Stabilization Fund.

In Colorado, voters last year approved a measure to forfeit nearly \$4 billion in tax refunds so that the state budget could offset constitutionally mandated spending increases. The new cap will remain in effect for the next four years, allowing more flexibility in the Colorado state budget.

The Michigan Citizens for Life proposal, which would declare that human life begins at conception, is a long-shot for ballot placement. The group pushing the proposal reportedly spent

Independence Day weekend collecting signatures in a desperate effort to reach the required 317,757 by Monday.

If the final tally isn't significantly more than the minimum required, it seems likely that signature challenges could knock it off the ballot.

Michigan Right to Life (RTL) is hoping the group fails to garner enough signatures to get the proposal on the ballot. RTL feels that the wording of the proposal is so broad that Michigan voters will likely reject it and give pro-choice forces a victory that could work against pro-life issues far into the future.

In addition, if the proposal were to get onto the ballot, RTL would have to consider spending money to help promote it in order to prevent the proposal from getting so badly defeated that observers would see it as a rout.

People behind the unicameral Legislature proposal seem to be struggling to organize efforts to obtain 317,757 valid signatures. Their proposal is likely to miss the ballot this time around.

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State Senator Gilda Jacobs represents the 14<sup>th</sup> Senate District, which includes Beverly Hills, Bingham Farms, Farmington, Farmington Hills, Ferndale, Franklin, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge, Royal Oak Township, Southfield, and Southfield Township. She is the Minority Vice Chair of the Families & Human Services Committee and the Economic Development, Small Business & Regulatory Reform Committee. She also serves on the Government Operations and Health Policy Committees.

**Constituents of the 14<sup>th</sup> District may contact Senator Jacobs at [sengiacobs@senate.michigan.gov](mailto:sengiacobs@senate.michigan.gov) or toll-free at 1-888-937-4453.**

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